

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -FEBRUARY 16, 2010- -7:00 P.M.

Mayor Johnson convened the meeting at 7:36 p.m. Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 5.

Absent: None.

AGENDA CHANGES

(10-061) Mayor Johnson announced that the Sunshine Task Force [paragraph number 10-074] would be addressed after the Resolution of Appointment [paragraph number 10-073]; that regarding the Joint Meeting, the Chamber of Commerce Contract Amendment [paragraph number 10-06 CIC] would be continued; and Sun Cal has withdrawn both requests [paragraph number 10-082 CC/ARRA/10-08 CIC] however, public comment would be permitted on the matter.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-062) Proclamation Declaring the Month of February 2010 as Good Government Month.

Mayor Johnson read the Proclamation and presented it to Kate Quick and Anne Spenier of the League of Women Voters.

Ms. Spenier thanked Council for the proclamation; invited everyone to the showing of Iron Jawed Angles on Sunday at 1:00 p.m. at the Alameda High School Little Theater.

Mayor Johnson stated that she hopes the League of Women Voters will attend Council discussions regarding open session versus closed session; Council's intent is to err on the side of openness.

CONSENT CALENDAR

Mayor Johnson announced that the Consent to Assignment of Lease [paragraph number 10-065] was removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the Consent Calendar.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*10-063) Minutes of the Special Joint City Council and Public Utilities Board Meeting and the Regular City Council Meeting held on February 3, 2010. Approved.

(\*10-064) Ratified bills in the amount of \$2,314,561.14.

(10-065) Recommendation to Approve Consent to Assignment of Lease and Estoppel Certificate Between the City of Alameda, Ballena Isle Marina, L.P., and CNL Income Ballena Marina, LLC.

The Economic Development Director gave a brief presentation.

Vice Mayor deHaan stated the public needs to know what is transpiring; inquired whether CNL Income Ballena Marina, LLC would be the leaseholder.

The Economic Development Director responded CNL would be the new lessee; stated CNL knows that the City has concerns with property conditions; immediate plans are in place to make commercial building improvements.

Vice Mayor deHaan inquired whether established timetables would change.

The Economic Development Director responded in the negative; stated the trigger has not been hit to start extensions; extension terms would not begin unless investments are made.

Vice Mayor deHaan inquired whether CNL is planning on making improvements over and above existing requirements.

The Economic Development Director responded that she is not sure; stated requirements are quite extensive and include complete reconstruction of the entire Marina.

Vice Mayor deHaan stated reporting back on the plans would be nice.

The Economic Development Director stated that she feels the City is assigning the Lease to a company that does the right thing for the type of property.

Vice Mayor deHaan stated CNL's portfolio is quite interesting.

Mayor Johnson inquired whether CNL would take over the terms of the existing Lease, which do not have milestones, to which the Economic Development Director responded in the affirmative.

Mayor Johnson inquired whether improvements have been discussed.

The Economic Development Director responded the City does not have any leverage with the existing terms but has leverage regarding future extensions.

Mayor Johnson inquired whether the current owner of the Lease is selling the Lease.

The Economic Development Director responded the current owner is assigning the Lease; stated the City can only review whether a company is qualified and capable.

Mayor Johnson stated fifty-year leases have been very bad for the City; assignment cannot reasonably be withheld.

Councilmember Matarrese stated Council is reviewing tideland leases; receiving investments on properties and ensuring that assets are maintained for the life of the Lease is important and is how income is generated, which is another goal; the twenty-five year Lease has seven years of leverage.

Councilmember Tam stated the only criteria the City can use to determine the assignment of the Lease and Estoppel Certificate is to determine whether CNL is a qualified, capable corporation; part of the determination involves viewing the history, financials, and holdings but does not involve the [Company's] potential to make improvements or address maintenance.

The Economic Development Director stated determinations about said activities have been wrapped into the qualified and capable assessment; CNL has demonstrated it has significant investments to upgrade facilities; Emeryville is a good example; CNL has the financial capability and history of rejuvenating and revitalizing resorts, waterfront properties, marinas, and hotels in other locations; Almar Properties is a qualified, capable property manager.

Vice Mayor deHaan stated CNL could sell the Lease to someone else, which is of concern but is probably not the intent.

The Economic Development Director stated after 2007 Lease renegotiations, the current lessee put commercial property up for sale and would have used the money to start reconstruction at the Marina; then, the economy took a dive.

Vice Mayor deHaan moved approval of the staff recommendation.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5.

(\*10-066) Recommendation to Award a First Amendment to the Contract in the Amount of \$50,000, Including Contingencies, to Bellecci & Associates, for Engineering Construction Support for the Webster Street/Wilver Willie Stargell Avenue Intersection Project, No. P.W. 10-08-26. Accepted.

(\*10-067) Resolution No.14421, "Authorizing Open Market Negotiations of a Contract Pursuant to Section 3-15 of the Alameda City Charter For the Alameda Harbor Bay Barge Replacement Project, No. P.W. 06-09-19, and Authorize the Interim City

Manager to Enter Into Such an Agreement.” Adopted.

(\*10-068) Resolution No.14422, “Approving the Revised Memorandum of Understanding Between the Alameda Fire Managers Association and the City of Alameda for the Period commencing January 6, 2008 and Ending February 27, 2010.” Adopted.

(\*10-069) Resolution No.14423, “Approving a Request to the California Public Employees’ Retirement System Board of Administration for an Employment Extension Request per Government Code Section 21221(h) for the Temporary Employment of Evelyn C. Leung.” Adopted.

(\*10-070) Resolution No.14424, “Authorizing the Interim City Manager to Execute the Grant Contract Between the State of California Department of Boating and Waterways and Alameda Police Department.” Adopted.

(\*10-071) Resolution No.14425, “Declaring Canvass of Returns and Results of the Special Municipal Election Held on Tuesday, February 2, 2010.” Adopted.

#### CITY MANAGER COMMUNICATIONS

(10-072) Economic Development Department Relocation.

The Interim City Manager stated the Economic Development Department would be relocating to the first floor of City Hall on February 22; Housing Division staff would relocate to the Housing Authority; Public Works will be the only department left at City Hall West.

The Deputy City Manager stated Information Technology would be relocating to the Recreation and Park Department.

#### REGULAR AGENDA ITEMS

(10-073) Resolution No.14426, “Appointing Bill Delaney as a Member of the Recreation and Park Commission.” Adopted.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5.

The City Clerk administered the Oath of Office and presented Mr. Delaney with a certificate of appointment.

(10-074) Recommendation to Appoint Members to the Sunshine Issue Spotting Task Force.

The Deputy City Manager gave a brief presentation.

Councilmember Tam stated the City is very fortunate to have knowledgeable members from the community; having the public advise what needs to come out of the process is important; that she wants to be clear about Council expectations; no formal action has been taken regarding scope and direction; staff resources are tight; utilizing the public should be maximized by having the Task Force develop recommendations, issue spot and come back to Council directly without staff review; the City Attorney's office would provide some guidance on what is expected within the Brown Act; the process should be open rather than having private meetings.

Mayor Johnson stated Council's intent is to have meetings noticed.

Councilmember Tam stated the Task Force should have the authority and discretion to determine how the Task Force would be formulated; Council should not mandate issues.

Mayor Johnson stated Council can have the Task Force review specific issues and the Task Force could look at other issues too; having staff available would be helpful.

The Deputy City Manager stated that she would be attending the meetings, along with representatives from City Clerk's and City Attorney's offices.

Councilmember Tam stated the Task Force should report findings and recommendations for solutions to Council.

The City Attorney stated a task force is a body that reports to the City Manager and is not an advisory group; prior direction from Council was to create a task force for issue spotting, be limited to three meetings, and include the Deputy City Manager; meetings can be public; the Task Force would not be a Brown Act committee.

Councilmember Matarrese stated the intent is to have public meetings; that he views the Task Force the same as the Fiscal Sustainability Committee, which reported findings directly to Council.

The City Attorney stated the Fiscal Sustainability Committee was an advisory committee and was assigned to review a limited issue and report findings back to Council.

Councilmember Matarrese stated that he does not see any difference [between the Sunshine Task Force and Fiscal Sustainability Committee].

The City Attorney stated that she is pointing out that the Task Force's assignment would involve staff work; normally, findings and recommendations come back to the City Manager and then to Council.

Councilmember Gilmore stated Council's intention is to have the body report directly

back to Council; the difference between a task force and an advisory committee might have been misunderstood; the intent is to have the body review the list generated by Council, get citizen input, and report directly to Council.

Mayor Johnson stated the Task Force would not be expected to type the report.

The Interim City Manager stated that she assumes the first step is coming up with a list before doing the paperwork [drafting ordinances, etc].

Mayor Johnson stated the intent is not to reinvent the wheel but to find model provisions from other cities.

Councilmember Matarrese stated the committee needs to spot issues, come up with solutions, synthesize and prioritize the list, and come back to Council with recommendations; noticing the meetings is important to ensure that the public has the opportunity to attend.

The Interim City Manager stated the meetings can be noticed; that she is more interested in the work product; the committee and staff might be doing [unnecessary] heavy lifting if work is done before Council gives policy direction.

Councilmember Tam stated that she would like the Task Force to do the heavy lifting.

Mayor Johnson stated that she disagrees; Council has its list; the Task Force might come up with additional items; the Task Force is to come up with a list of issues, which could include Council's list; staff would find models; that she does not see why the Task Force should be burdened with analysis; Council can decide what to address and then put policies in place.

Councilmember Gilmore stated the Task Force should prioritize the list; Council has a different view on how things work compared to citizens; things that Council might view as a problem, might not be a problem for citizens.

Mayor Johnson stated that recommended priorities can be brought to Council and Council can change the order of the priorities.

Councilmember Gilmore stated that she does not want to have a list of issues with no ranking; Council can rearrange the priorities.

Vice Mayor deHaan stated Council could change the Task Force to an advisory committee; that he sees no problem with keeping the body as a Task Force; that he reserves Council oversight; Council wanted the Task Force to only have three meetings and have the right input and oversight.

The Interim City Manager stated staff worked with the Fiscal Sustainability Committee to ensure that everything was technically correct but did not censor anything; a laundry list

could come back to Council for prioritization before paperwork is done.

Councilmember Matarrese stated Council could give direction on what to address after three Task Force meetings; that he expects direction from the committee to reflect community issues; Council can give direction to change priorities; stated that he has no problem moving forward.

Speakers: Jim Sweeney, Alameda; Jean Sweeney, Alameda.

Councilmember Tam moved approval of appointing the Sunshine Task Force with the recommended appointees in the staff report, with Jeff Cambra as the facilitator; as part of the recorded action and direction: the Task Force would make a recommendation to the Council concerning any proposals and solutions regarding open government and access to information; the Task Force should have assistance from the City Attorney's office and staff in advising them on legal issues and requirements; the final recommendation that the Task Force makes to the City Council will be no later than June 30, 2010, whether it takes three or four meetings; the number of meetings is up to the Task Force.

Councilmember Matarrese requested the motion be amended to include the City Clerk's office.

Councilmember Tam accepted the amendment to include the City Clerk's office.

Mayor Johnson requested that the motion include that the role of staff is to provide advice on technical issues and that the Task Force should include the five items Council described; the Task Force can look at additional items, but should definitely include the five items.

Councilmember Gilmore inquired whether the motion includes prioritization of items.

Councilmember Tam responded in the affirmative; stated that she would spell out what she thinks the Task Force should include; the Task Force should: spot the issues, develop recommendations, prioritize the issues, and formulate a comprehensive recommendation to the Council.

Mayor Johnson inquired what Councilmember Tam means by spot issues, to which Councilmember Tam responded that the issues should include the ones mentioned in the staff report.

Vice Mayor deHaan stated the Councilmembers could provide additional items if desired.

Councilmember Tam stated the meetings should definitely be open to the public and noticed accordingly so that the public can be encouraged to attend.

Mayor Johnson inquired whether the process includes bringing the Task Force's list back to the Council for review.

Councilmember Tam stated said process is not included in the motion because an Assistant City Manager with 28 years experience is part of the Task Force and is well versed.

Mayor Johnson stated that the Task Force should not waste time on 35 items if the Council disagrees with any of the issues.

Councilmember Gilmore stated prioritization takes care of the issue; if the Task Force brings back 40 items, Council could decide to only look at 20 [items].

Mayor Johnson stated Council could decide something is really important and decide to look at 20, but the one [Council wants] might be 21 on the list; Council needs to help the Task Force with the priorities.

Councilmember Gilmore stated Council would do so when the list comes back.

Mayor Johnson stated that she want to ensure that the list comes back.

Councilmember Tam stated the key is to make sure the Task Force brings recommendations back to the Council; whether it becomes an iterative process or whether in between Council wants to chime in, the Task Force members are Council appointees and can call and consult with Councilmembers anytime.

Vice Mayor deHaan inquired whether Councilmember Tam is saying that Council can give opinions anytime during the process.

Councilmember Tam responded Councilmembers have never been shy about giving opinions.

Mayor Johnson stated bringing the list back would not hold up progress at all.

Councilmember Tam concurred; stated the Task Force may come up with a recommendation of 40 items; then, Council could decide that the Task Force needs to go back to the drawing board and hold a fifth meeting.

Mayor Johnson stated that she would rather have the Task Force come back sooner.

Councilmember Tam inquired whether Mayor Johnson is suggesting reporting back to Council after the first meeting.

Mayor Johnson responded in the negative; stated maybe the Task Force could bring a tentative list back to the Council after the second meeting, then the Task Force can go work on it [the list].



Vice Mayor deHaan stated there could be a progress report back after the first or second meeting.

Mayor Johnson concurred; stated the list could be brought back after the first meeting.

In response to Vice Mayor deHaan's inquiry about whether Councilmember Tam agrees with proposed process, Councilmember Tam stated that she is fine including [in the motion] the option of the Council providing input in the middle of the process; the Task Force wants to speak directly to Council and Council wants to speak directly to the Task Force; that she is uneasy about prescribing every part of the process; the Task Force members are representing the public, Council needs to trust the Task Force members.

Mayor Johnson stated that she wants the five items Council defined as the first five items on the list.

Vice Mayor deHaan stated Councilmember Tam agreed to have feedback after the first or second meeting.

Councilmember Tam stated the Task Force should be given a chance to meet two times.

Councilmember Matarrese stated that he is ready to hear if there is something different coming from the public; Council has to listen; the process should be allowed to work and have flexibility, but should not come to the end and have a surprise.

Councilmember Tam concurred.

On the call for the question, the motion carried by unanimous voice vote - 5.

(10-075) Recommendation to Accept the Report of the Economic Development Commission's Business Attraction Subcommittee.

Robert Bonta, Economic Development Commission Member, and Donna Milgram, former Economic Development Commission Member, gave a brief presentation.

Councilmember Tam thanked Ms. Milgram for the thorough research; inquired whether most maritime businesses rely upon on-line resources rather than industry journals or word of mouth.

Ms. Milgram responded the subcommittee does not recommend specific industries; stated maritime was used as an example; a unified economic development strategy involves hiring a consultant to review a city's uniqueness and resources.

Mayor Johnson thanked Ms. Milgram for all the work; stated the recommendations are very good; that she hopes to move forward with the recommendations.

Vice Mayor deHaan thanked Ms. Milgram for the report; inquired whether a website would be sufficient for a full range of businesses; stated Alameda is more than just small businesses.

Ms. Milgram responded the web site would give the City the ability to recruit businesses nationally; stated a website would include the City in the 80% [initial site selection process]; Alameda has agreed to certain things in being part of the East Bay Economic Development Alliance; local recruitment is somewhat limited to the Agreement; a website would allow the City to recruit outside the area without incurring a high expense.

In response to Vice Mayor deHaan's inquiry whether the Alameda County EDC and Greenbelt group are part of the resources, Ms. Milgram stated that [using said resources] would not be precluded in any way.

Councilmember Gilmore stated the City is in the process of redesigning its website; the plan is very comprehensive; inquired whether the economic development portion could be jump started.

The Economic Development Director responded the launch would be at the same time; stated staff has started to work with the consultant who is helping to decide what is best for individual missions; the economic development website needs to switch to explain how to do business and would be linked to other resources such as the Green Corridor Alliance or East Bay Economic Development Alliance; the economic development portion might take a little longer due to the complete change; staff would be able to update the website and keep it fresh all the time; permit and licensing information could be made available but might not be able to be done on-line.

The Deputy City Manager stated the City's website is being completely revamped and will include having information and forms on-line; the consultant is designing the architecture to ensure that people will be able to do business on-line; having a website that looks coherent is important.

Councilmember Gilmore inquired what is the timeframe, to which the Deputy City Manager responded the summer.

Mayor Johnson inquired whether the website would have a checklist for basic permits.

The Deputy City Manager responded the consultant is discussion needs with department heads or designated staff; stated that she will double check on a permit check list.

Mayor Johnson stated input is needed from the public; inquired whether Ms. Milgram received comments from potential businesses regarding complications with the permit process.

Ms. Milgram responded website change recommendations are listed on page 3 of the report.

Mayor Johnson stated the website should be more straightforward.

The Deputy City Manager stated the consultant would be provided with the report.

Mayor Johnson stated information should be obtained from the Building Department.

The Deputy City Manager stated that she would ensure that the loop is closed.

Councilmember Matarrese thanked Ms. Milgram for focusing on web presence; stated the website is the first stop when a business wants to relocate or find out something; that he likes the idea of putting permits and steps to becoming a legal business on the website; developing the website sooner is better; uniformity is a good approach and would indicate that something is like rather than special for each department; that he hopes that what is done highlights Alameda and its businesses so that Alameda comes up first when searching for vintners or lab space in the Bay Area.

Ms. Milgram stated search engine optimization is a great idea to what is pre-existing; that she is glad that the Deputy City Manager will share the report with the consultant and hopes that the template for Economic Development will be pointed out.

Vice Mayor deHaan moved approval of accepting the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5.

(10-076) Recommendation to Adopt the City of Alameda's Update of the Master Tree Plan.

The Public Works Director provided amended exhibits and gave a brief presentation; introduced Charlie Lanfranco, Tanaka Design Group.

Mr. Lanfranco gave a Power Point presentation.

Mayor Johnson inquired what are the guidelines for tree distance from City infrastructure.

The Public Works Director responded guidelines are noted in the text of the large document.

Councilmember Tam stated the guidelines are noted in Appendix 3.

Mayor Johnson inquired whether the distance from power lines is included.

The City Engineer responded ground distance is included; stated pruning methods are being reviewed for power lines.

Councilmember Tam inquired whether there is a way to delineate responsibility between a private property owner and the City.

The Public Works Director responded staff wants to put more information on the website; stated staff has discussed linking information regarding property owner responsibilities with the Municipal Code.

Councilmember Tam inquired whether people know that a permit is needed to prune a City tree, to which the Public Works Director responded in the affirmative.

Mayor Johnson stated that she has received several compliments regarding tree pruning on Gibbons Drive.

The Public Works Director stated better feedback has been received than five years ago; community meetings have paid off.

Vice Mayor deHaan stated some undesirable trees have been planted in the City.

The Public Works Director stated approximately three years ago the Scarlet Oak was planted on Gibbons Drive.

Vice Mayor deHaan stated some Maple and Ginkgo trees have been planted recently.

Mayor Johnson stated Maple and Ginkgo trees are not necessarily bad but diversity is needed.

The Public Works Director stated three foot wide planter strips are a concern; staff has learned what type of trees raise sidewalks; the popular theory is that changing the species of the tree would take care of sidewalk replacement but is not enough; the soil characteristic is important; micro characteristics were not available prior to the report.

Vice Mayor deHaan stated past philosophy was to have the same type of trees on a street; inquired whether trees are being replaced with the same trees.

The City Engineer responded Central Avenue and Eighth Street are continuing to use monoculture.

Vice Mayor deHaan stated some streets are helter skelter; having the same trees looks more pleasant.

The City Engineer stated neighborhood and street pallets are identified in order to prevent a random mix; patterns are also reviewed.

Vice Mayor deHaan stated the size of a tree matters; certain species are considered when lining the street of a new development; inquired whether things would be done differently [for new development].

The Public Works Director responded the intent is to use the proposed Master Street Tree Plan.

Mayor Johnson stated Burbank Avenue needs to be added [to the monoculture list]; that she likes to see uniform trees on a street but understand it's not the best way.

Mr. Lanfranco stated a lot of historic research has been done; uniform aesthetics is very post war; trees decline at the same time when planted at the same time.

Mayor Johnson stated some people think that fruit trees should be planted.

Mr. Lanfranco stated the tree matrix is adaptable.

Proponents: Harvey Wilson, Friends of the Alameda Forest; Michael Semler, Friends of the Alameda Forest; Ani Dimusheva, Friends of the Alameda Forest; Corinne Lambden; and Christopher Buckley, Alameda.

Following Ms. Dimusheva's comments, Mayor Johnson inquired whether Alameda Forest's goal is to raise money.

Ms. Dimusheva responded Alameda Forest would like to raise money; stated Alameda Forest is not a non-profit.

Mayor Johnson stated having Alameda Forest become a non-profit would be helpful; Home Depot provides Urban Forest grants.

Ms. Dimusheva stated Alameda Forest is looking into becoming a non-profit; the goal is to acquire an army of volunteers to find funding sources.

Councilmember Gilmore stated Alameda Forest might look into pairing with Friends of the Parks which is a non-profit that works to help the park system.

Councilmember Matarrese stated the large Redwood tree on Sherman Street between Santa Clara and Lincoln Avenues should be addressed; the proposed plan is a big leap forward; a Ginkgo tree will pop up a sidewalk without the right soil.

Councilmember Matarrese moved approval of the staff recommendation with amended exhibits.

Vice Mayor deHaan seconded the motion, with the caveat that Redwood trees at the Golf Course be reviewed.

Under discussion Vice Mayor deHaan stated Redwood trees at the Golf Course were not the best choice; every tree will be lost if immediate steps are not taken; inquired about the feedback on rubberized sidewalks.

The Public Works Director responded two [rubberized sidewalk] phases have been done; the first product works better than the second product but is no longer made; comments will be provided to the Recreation and Park Director and Planning Department.

Mayor Johnson inquired whether the plan could extend to parks.

The Interim City Manager responded parks have larger flexibility; stated the next round would focus on City facilities.

Mayor Johnson stated determining what type of trees should be planted [in parks] in the future should be reviewed.

Councilmember Matarrese stated the Marina Village Parkway Pine trees are sick; every other Pine tree along the back end of Bayport is dying.

Vice Mayor deHaan stated parks have to be treated differently.

Councilmember Gilmore stated development requirements should also include shopping centers; Alameda Towne Centre has issues because of the high salt content.

Mayor Johnson stated the selection of trees was unfortunate at the Golf Course.

Councilmember Tam requested that the motion be amended to include some reference in the pretext regarding resources to help the public understand responsibilities between public and private [tree maintenance].

On the call for the question amended motion carried by unanimous voice vote – 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(10-077) Consideration of a Hospital – City Liaison Committee.

Councilmember Matarrese stated that he would like Council to consider directing the Interim City Manager to set up a liaison committee between Council and the Hospital Board similar to what the City has done with AC Transit and the Alameda Unified School District; having the City and Hospital work together is important as budgets get

tighter.

Mayor Johnson stated that she thinks the idea is good.

Councilmember Tam stated that she is supportive of the idea; the Health Care District is asking for support for seismic retrofitting; Alameda Hospital is the only hospital on the Island that provides emergency services; that she would be happy to serve on the liaison committee.

In response to the Interim City Manager's inquiry, Mayor Johnson stated individuals could be assigned to the committee when the item is brought back.

The Interim City Manager stated the matter does not need to come back to Council; that she could contact the Hospital's Executive Director.

Mayor Johnson stated Councilmembers should let her know if they are interested in serving on the liaison committee.

Councilmember Matarrese stated that his biggest concern is ensuring that the City still has a hospital without continuing the tax; the Veterans Administration should be included; transport sharing opportunities are available.

Mayor Johnson stated all possibilities should be reviewed to provide necessary healthcare in Alameda.

Councilmember Tam moved approval of directing the formation of a liaison committee to address issues raised in the Council Referral.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5.

(10-078) Consider Including Recommendations regarding Non-Profit Organization Operation of Mif in the Golf Course Operating Plan.

Vice Mayor deHaan stated the Task Force was ready to provide a preliminary report next Thursday but the meeting has been cancelled; inquired when the Request for Proposal (RFP) would come to Council.

The Interim City Manager responded a report from the consultant will come to Council on March 2; stated the RFP would probably be addressed March 16.

Vice Mayor deHaan inquired whether the Council Referral could be included.

The Interim City Manager responded in the affirmative, if there is consensus.

Speakers: Ashley Jones, Alameda; Norma Arnerich, Alameda Junior Golf; Jane

Sullwold, Golf Commission; Joe VanWinkle, Alameda; and Robert Sullwold, Keep the Mif Coalition.

The Interim City Manager stated the consultant report addresses non-profits and provides research and industry standards; the non-profit concept has become firmer since the RFP was issued; Council needs to advise staff whether to pursue the idea of a non-profit and review the plan.

Vice Mayor deHaan stated that he would like staff to pursue the matter; non-profits have stepped in when there has been an opportunity to support fields and have been very successful; that he would like to give direction to have staff to pursue the matter.

Councilmember Tam stated Council gave direction on January 6 to consider a non-profit in the context of what will happen with the long-term plan of the Golf Course; inquired whether the proposed non-profit submitted a proposal like any other entity would do; stated understanding how the proposal fits into the overall plan is important; without a proposal, Council would have a hard time providing the same diligence as in the case of the Boys and Girls Club and soccer groups financial capabilities; questioned how soon the proposal would be needed for the March 2 meeting.

Mr. VanWinkle stated the Business Plan has been completed; reviews are being conducted with outside experts; that he would be happy to go over the report with the Interim City Manager at an already scheduled meeting on Friday.

Mayor Johnson stated the issue needs to be reviewed in the context of the whole Golf Course and not in isolation.

Councilmember Matarrese moved approval of giving the Interim City Manager direction to spend time on the proposal in the context of the larger operation of the Golf Course.

Councilmember Tam requested that the motion be amended to include that Council wants to see an actual proposal.

Mr. VanWinkle stated the by-laws, last three years of financials, and Business Plan would be provided.

Councilmember Tam inquired whether everything could be provided to Council by 5:00 p.m. on February 22, to which Mr. VanWinkle responded everything would be brought [to the Interim City Manager] on Friday.

Councilmember Gilmore clarified everything from Alameda Junior Golf and the consultant report would be brought back on March 2.

Vice Mayor DeHaan seconded the amended motion, which carried by unanimous voice vote – 5.



## COUNCIL COMMUNICATIONS

(10-079) Mayor Johnson stated Larry, the Park Street Newsstand Operator, passed away.

## ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

SPECIAL JOINT MEETING OF THE CITY COUNCIL,  
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA) AND  
COMMUNITY IMPROVEMENT COMMISSION (CIC)  
TUESDAY- -FEBRUARY 16, 2010- -6:00 P.M.

Mayor/Chair Johnson convened the Joint Meeting at 6:00 p.m.

Roll Call – Present: Councilmembers/Board Members/Commissioners deHaan, Gilmore, Matarrese, Tam and Mayor/Chair Johnson – 5.

Absent: None.

The Joint Meeting was adjourned to Closed Session to consider:

(10- 058 CC) Conference with Labor Negotiators; Agency negotiators: Human Resources Director; Employee organizations: Alameda Fire Managers Association.

(10-059 CC/ARRA/10-04 CIC) Conference with Real Property Negotiator; Property: Alameda Point; Negotiating Parties: City of Alameda, ARRA, CIC, SunCal, Navy; Under Negotiations: Price and terms of payment.

(10-060 CC) Public Employee Performance Evaluation (54957); Title: City Attorney.

Following the Closed Session, the Joint Meeting was reconvened and Mayor/Chair Johnson announced that regarding Labor the Council received a briefing from its Labor Negotiators on the status of negotiations; no action was taken; regarding Real Property, the Council/Board Members/Commission received a briefing from its Real Property Negotiator on the status of negotiations with SunCal in light of SunCal's submittal of the Optional Entitlement Application and the City's Notice of Default; the Council/Board Members/Commissioners decided upon unanimous vote to agendize a discussion of open session versus closed session procedures for a future agenda; regarding Performance Evaluation, the matter was continued; no action was taken.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Joint Meeting at 7:20 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, CIC

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,  
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA) AND  
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING  
TUESDAY- -FEBRUARY 16, 2010- -7:01 P.M.

Mayor/Chair Johnson convened the meeting at 10:36 p.m.

ROLL CALL - Present: Councilmembers / Board Members / Commissioners deHaan, Gilmore, Matarrese, Tam and Mayor/Chair Johnson – 5.

Note: Councilmember/Board Member/Commissioner Tam arrived at 10: 38 p.m.

Absent: None.

CONSENT CALENDAR

Mayor/Chair Johnson announced that the Chamber of Commerce Contract Amendment [paragraph no. 10-06 CIC] would be continued to a future meeting. Councilmember/Board Member/Commissioner Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor/Board Member/Commissioner deHaan seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember/Board Member/Commissioner Tam – 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*10-080 CC/ARRA/10-05 CIC) Minutes of the Special Joint City Council, ARRA and CIC Meetings Held on January 26, 2010. Approved.

(10-06 CIC) Recommendation to Authorize the Interim Executive Director to Amend Scope of Contract with the Alameda Chamber of Commerce for Fiscal Year 2009-2010. Continued to future meeting.

(\*10-081 CC/10-07 CIC) Recommendation to Approve an Amendment to the Grand Marina Village Affordable Housing Agreement and Authorize the Interim City Manager/Interim Executive Director to Execute the Amendment.

AGENDA ITEM

(10-082 CC/ARRA/10-08 CIC) Consider SunCal's Requests to: (1) Approve an Addendum to the Exclusive Negotiation Agreement (ENA) between SunCal and

Alameda Requesting Modification to Certain Terms Including Extending the Term of the ENA to July 20, 2012; and (2) Retract the Notice of Default Sent by Alameda regarding SunCal's Performance under the ENA.

The Interim City Manager/Interim Executive Director provided a brief presentation.

Vice Mayor/Board Member/Commissioner deHaan inquired what was outlined in the letter of retraction regarding the Notice of Default, to which the Interim City Manager/Interim Executive Director responded the letter includes that SunCal's intent is to pursue further discussions with the City; clarification will have to be obtained in a meeting scheduled with SunCal for Thursday.

Vice Mayor/Board Member/Commissioner deHaan inquired what is the date of said letter, to which the Deputy City Manager responded February 12.

In response to Vice Mayor/Board Member/Commissioner deHaan's further inquiry, the Interim City Manager/Interim Executive Director stated a January letter requested an ENA extension; once the Notice of Default was issued, a letter [e-mail] was sent asking the Mayor and City Council to override the administrative decision, which is under the Council's authority; said letter was sent last week [February 8]; then, a few days later, Friday afternoon [February 12], SunCal sent a second letter dealing with the Notice of Default stating that they [SunCal] were withdrawing their request to have Council override the Notice of Default subject to further discussions with the City.

Vice Mayor/Board Member/Commissioner deHaan inquired whether the letters were sent within one week, to which the Interim City Manager/Interim Executive Director stated it was all within a short time.

In response to Vice Mayor/Board Member/Commissioner deHaan's inquiry about whether there has been any dialogue [with SunCal], the Interim City Manager/Interim Executive Director stated there will be an opportunity through ENA discussions this week and next week to get further clarification as to what SunCal meant.

Vice Mayor/Board Member/Commissioner deHaan inquired when was the original request for the two-year ENA extension, and whether the reporting out from the Closed Session was to defer the action.

The Interim City Manager/Interim Executive Director responded the report out from the Closed Session in late January was to consider the matter after the election.

Vice Mayor/Board Member/Commissioner deHaan inquired when the 30 days under the Notice of Default would be due, the City Attorney responded March 8.

Speakers: Jim Pitzer; Mary Fetherolf, Alameda; William Smith, Alameda; Ashley Jones, Alameda; Rosemary McNally, Alameda; Jean Sweeney, Alameda; Jim Sweeney, Alameda; Jim Sweeney, Alameda; Gretchen Lipow, Alameda; and Dorothy Freeman.

Councilmember/Board Member/Commissioner Matarrese stated the City has a Contract with SunCal; that he would like to see if it is appropriate to repeat the request that was made a month or so ago, which is to request that SunCal lift the restrictions on confidentiality that exist in the current ENA; regardless of the outcome, the process would be more visible and staff would be able to communicate with the Council / Board / Commission and the electorate; the confidentiality cloak has not served the City well and he is not sure if it has served SunCal well; the request should be reiterated to SunCal.

Vice Mayor/Board Member/Commissioner deHaan inquired whether Councilmember/Board Member/Commissioner Matarrese is requesting an action item at the next ARRA meeting.

Councilmember/Board Member/Commissioner Matarrese responded that he is requesting that the Interim City Manager/Interim Executive Director be directed to make the request to SunCal to release the confidentiality restriction; moved approval [of directing the Interim City Manager/Interim Executive Director to request SunCal to release the confidentiality restriction].

Mayor/Chair Johnson stated SunCal wrote a letter indicating that they support a more transparent process.

Vice Mayor/Board Member/Commissioner deHaan seconded the motion.

Under discussion, Councilmember/Board Member/Commissioner Tam inquired whether an action is being taken or if the matter is being addressed as a Council/Board/Commission Communication.

Councilmember/Board Member/Commissioner Matarrese responded the matter is under the agenda item in response to the request.

The City Attorney/Legal Counsel stated SunCal was requesting approving an addendum to the ENA, including specifics about what the addendum should look like; given that the action item was to discuss that [ENA amendment], the Council/Board/Commission can make a motion and ask the Interim City Manager/Interim Executive Director to have a discussion with SunCal regarding amending the ENA in a different way; the suggestion [releasing confidentiality restrictions] would require an amendment to the ENA; the City cannot unilaterally

choose to make SunCal's documents open to the public; SunCal would have to agree to do so, which would be done by amending the ENA.

Vice Mayor/Board Member/Commissioner deHaan stated a similar request was made six months ago; inquired whether the matter is part of the public record.

The City Attorney/Legal Counsel responded that she would have to check the record; the Council/Board/Commission would have to make a motion to discuss the matter if it was addressed in closed session.

Councilmember/Board Member/Commissioner Gilmore stated SunCal would have to agree to an ENA amendment to be more transparent; inquired whether SunCal's letter from last October would not have been sufficient and an ENA amendment would have been required.

The City Attorney/Legal Counsel stated that she believes the letter proposed choosing item by item what would become public record, which is not the same as lifting the confidentiality provision altogether.

Councilmember/Board Member/Commissioner Gilmore inquired what lifting confidentiality would look like; questioned whether negotiations between staff and SunCal would be done in public.

The City Attorney/Legal Counsel responded the confidentiality provision in the ENA has to do with the documents; stated assuming SunCal agrees, the documents would become public record and it would be appropriate to talk about what is in the documents.

Councilmember/Board Member/Commissioner Matarrese inquired whether documents are the pro forma, business plan, etc., to which the City Attorney/Legal Counsel responded in the affirmative.

Vice Mayor/Board Member/Commissioner deHaan stated the reason it [lifting confidentiality restrictions] is so important is the City could not divulge what was in the \$200 million cap.

Councilmember/Board Member/Commissioner Tam stated that she is still confused--the agenda item is to consider requests for ENA extension and retraction of the Notice of Default; SunCal has withdrawn both requests; inquired if there is a way to take action aside from what was noticed on the agenda.

The City Attorney/Legal Counsel stated the action is relying on what was noticed; the Council/Board/Commission always has authority to approve, deny or ask to do it

differently; the Council/Board/Commission can request that SunCal consider a different amendment to the ENA, such as releasing negotiation documents.

Mayor/Chair Johnson stated SunCal letters discussed withdrawing agenda items; SunCal does not withdraw agenda items; SunCal can just withdraw their requests; the agenda items stay in place.

Councilmember/Board Member/Commissioner Matarrese stated SunCal's letter indicates that they want to formally address the Notice of Default in formal discussions.

Councilmember/Board Member/Commissioner Tam stated that she would be more comfortable if SunCal was given the same courtesy that they gave the City in terms of asking specifically what the Council/Board/Commission would like to see as an amendment to the ENA.

Councilmember/Board Member/Commissioner Matarrese stated that his motion is to direct the Interim City Manager/Interim Executive Director to ask just that [about a specific ENA amendment to lift confidentiality restrictions].

Vice Mayor/Board Member/Commissioner deHaan stated certain things will never come out of closed session; however, the vast majority should be released and discussed.

On the call for the question, the motion carried by unanimous voice vote – 5.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the meeting at 11:09 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, CIC

The agenda for this meeting was posted in accordance with the Brown Act.